IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELATE CIVIL JURISDICTION

WRIT PETITION NO.4067 OF 2004

Mahadev Joti Umrani ..Petitioner

Vs.

The Collector, Kolhapur & Anr. ..Respondents

Mr.N.R.Bubna Advocate for the Petitioner
Mrs.S.S. Bhende, A.G.P. for Respondent No.2

CORAM: F.I. REBELLO &
S.P. KUKDAY, JJ.
DATE: 11TH MARCH, 2005.

P.C.

. Rule. Heard forthwith.

2. The Petitioner had retired from the Armed Forces. The Petitioner was a member of the Border Security Forces when he retired. He had applied under Rule 28 of the Maharashtra Disposal of Government Lands Act, 1971. By communication dated 3rd December, 2003 the Petitioner was informed that his application cannot be considered and for that purpose reliance was placed on G.Rs issued by the State Government for granting land to those who were injured in Indo-Pakistan war and as amended by second G.R.

3. In the instant case we are not concerned with the Special scheme by the Government under

those G.Rs. We are concerned with Rule 28. In other words the case of the Petitioner will have to be considered by the Respondents under Rule 28. It appears from the impugned order that the said Rule has not been considered. Rule has to be considered independently of the G.Rs.

. In the light of that the impugned order dated 3rd October, 2003 is set aside. The matter is remanded to the Respondent Deputy Collector, Kolhapur to consider the claim of the Petitioner afresh and bearing in mind Rule 28 of the Rules and if eligible to dispose of the Petitioner's application according to law at any rate within sixteen weeks from today.

(F.I.REBELLO,J.)

(S.P. KUKDAY,J.)